

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 1:17-CR-51
(KEELEY)**

JAMES L. LAURITA, JR.,

Defendant.

UNITED STATES' MOTION TO DISMISS INDICTMENT

Now comes the United States of America, by William J. Powell, United States Attorney for the Northern District of West Virginia, by Jarod J. Douglas, Assistant United States Attorney for said District, and hereby moves to dismiss the Indictment pursuant to Federal Rule of Criminal Procedure 48(a). In support of the motion, the United States avers as follows.

1. On February 2, 2018, this Court granted the defendant's oral motion for a mistrial based upon a deadlocked jury. On February 6, 2018, this Court entered an Order Declaring Mistrial Due to Jury Deadlock [Doc. 53].

2. On February 13, 2018, this Court entered an Order Scheduling Retrial [Doc. 56], ordering that any retrial commence on April 13, 2018.

3. After careful consideration, the United States has decided not to pursue a retrial.

WHEREFORE, the United States respectfully asks this Court to dismiss the Indictment.

**WILLIAM J. POWELL
UNITED STATES ATTORNEY**

By: /s/ Jarod J. Douglas
Jarod J. Douglas
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Jarod J. Douglas, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on the 16th day of February 2018, the foregoing UNITED STATES' MOTION TO DISMISS INDICTMENT was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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By: /s/ Jarod J. Douglas
Jarod J. Douglas
Assistant United States Attorney